

Criminal Justice Services Board

Minutes

March 16, 2006

Members Present

Sheriff Beth Arthur
Ms. Nancy St. Clair Finch
Mr. Jeffrey Dion
Ms. Helen F. Fahey
Mr. Sherman Carl Vaughn, Sr.
Sheriff Vernie W. Francis, Jr.
Chief Atlas L. "Joseph" Gaskins
Mr. Frederick A. Hodnett, Jr.
Mr. Barry Green
Dr. Jay Malcan
Mr. Jonathan McGrady
Sergeant Charles J. Condon
Mr. Walter A. McFarlane
Mr. Alfred T. Dowe, Jr.
Sheriff Charles W. Phelps
Ms. Marla Decker
Mr. Kevin S. Hodges
Mr. Christopher R. Webb
The Honorable Richard D. Taylor

Members Absent

The Honorable Robert E. Bushnell
Judge Archer L. Yeatts III
Mr. John Jabe
Colonel W. Steve Flaherty
Mr. David J. Johnson
Chief A.M. "Jake" Jacocks
Delegate Beverly Sherwood
Delegate Robert Hurt
Senator Kenneth W. Stolle
Senator Frederick M. Quayle

DCJS Staff Present

Leonard G. Cooke
Bobby Mathieson
Leon Baker
John Colligan
Fran Ecker
Eileen Guertler
Joe Marshall
Janice Waddy
Matt Davis
Shelia Anderson
Burt Walker
Ernie O'Boyle
Kim Buckner
Neadie Lee
Greg Lilley
Lisa McGee
Kathy Truesdale
Lisa Hahn

Guests Present

George Haudricourt, ADT
Mary Kay Wakefield, Richmond Alarm Co.
David Lyons, Isle of Wight Sheriff's Office
John W. Jones, Va. Sheriff's Association
Gregory E. Lucyk, Supreme Court of Va.
Mr. Wayne Thomas

Call to Order

Chairwoman Beth Arthur called the meeting to order at 11:00 a.m.

Chairwoman Arthur welcomed everyone and reminded staff and guests to please sign in at the front table for the purpose of the minutes.

Chairwoman Arthur reminded board members to please state their name when making a motion and when seconding for the purposes of the minutes.

Chairwoman Arthur thanked the Board for their timely completion of the Conflict of Interest Act Filings and their compliance with the training.

Chairwoman Arthur mentioned that as of the last board meeting, two new members had come aboard.

The Honorable Richard D. Taylor, Jr. replaced the Honorable Patricia West. Judge Taylor is from the Circuit Court of the City of Richmond and will serve as ex-officio member (designee) for the Honorable Chief Justice Leroy Hassell.

Mr. David J. Johnson, Executive Director for the Virginia Indigent Defense Commission will serve as ex-officio member effective with his appointment as Director. Mr. Johnson replaces The Honorable Alan E. Rosenblatt who was Acting Director for a short period for the Virginia Indigent Defense Commission. Mr. Johnson was not present at the meeting due to a prior commitment.

Chairman Arthur asked the Board and the audience to please join her in welcoming Judge Taylor and Mr. Johnson, and then stated that staff and board members were available to assist new members in whatever way they could.

Judge Taylor made a few brief comments regarding his serving on the board.

Chairwoman Arthur also acknowledged Judge Patricia West's service on the Board. Judge West served on the Board since September 27, 2001. The Chairwoman stated that the Board is truly thankful for her services and dedication to the Board and the Citizens of the Commonwealth of Virginia. A certificate of Resolution will be sent to Judge West.

Chairwoman Arthur also recognized the brief service of Judge Alan E. Rosenblatt and stated that Judge Rosenblatt had the opportunity to attend one board meeting, as Acting Executive Director for the Va. Indigent Defense Commission. Our thanks go out to him for serving in that capacity. A letter of thanks will be sent to Judge Rosenblatt for his service.

Chairwoman Arthur further mentioned that effective July 1, 2006, Mr. Fred Hodnett will retire as Assistant Executive Secretary for the Supreme Court of Virginia. At that time he will relinquish his duties as representative (designee) for Mr. Karl Hade, Executive Secretary for the Va. Supreme Court. Mr. Hodnett has served diligently on this Board for approximately two decades and has also willingly served as Vice-Chair on numerous occasions. This service has also included service on the Committee on Training and on numerous other grant review and nominations committees.

Mr. Edward M. Macon, Assistant Executive Secretary and Legal Counsel have been selected by Mr. Karl Hade to serve as his designee effective July 1, 2006 to replace Mr. Hodnett. It was requested that Mr. Macon accompany Mr. Hodnett at the June 8th meeting and that future communications of the Board also be sent to him to ensure a smooth transition.

Chairman Arthur stated that the Board would acknowledge Mr. Hodnett's retirement and resolution of service at a future meeting, prior to his retirement and that the Board would

certainly miss Mr. Hodnett's service. She further stated that the Board looks forward to working with all of the new members and we welcome them all.

Approval of Minutes

Chairwoman Arthur called for a motion to approve the minutes of the December 8, 2005 meeting.

Mr. Jeff Dion made a motion to accept the minutes with one minor amendment to the Victim Witness Issues Advisory Committee Report (page 7, 1st paragraph, 2nd sentence of the opening statement).

The motion was seconded by Mr. Chris Webb.

The minutes were unanimously approved with one minor correction.

Director's Report

Chairwoman Arthur called upon Director Cooke to give a brief report.

Director Cooke began his report by welcoming our new members: Judge Taylor and David Johnson. He stated that the Board looks forward to their participation, and should they have any questions, they should feel free to contact either the Secretary to the Board, Priscilla Bowers or himself at 804-786-8718.

State Budget

Director Cooke mentioned that he was sure many of the members were following developments during the legislative session closely, as were the staff at DCJS. He said staff would present more information about some of the legislation we tracked, however, there were a number of questions that wouldn't be resolved until a new budget is enacted.

Director Cooke stated that for DCJS and some of our constituencies, there were substantial differences between the House and Senate versions of the budget.

He mentioned that the biggest, in dollar terms, affects the so-called "599" program that distributes state funding - about \$191 million this FY - to 175 cities, counties and towns with police departments; the recipients' amounts are determined by a complex statistical formula.

Because the formula would have a larger-than-usual number of localities (59) get lower amounts next year, even while the overall appropriation was proposed to increase, the Governor recommended adding \$3.4 million to the appropriation for FY'07 and using the extra money as "no-loss" funding; the amendment also calls for a study of the distribution formula.

The Senate's budget includes the extra funding and study language; the House version does not.

The Senate's budget:

Adds \$1million in the 2nd year to the Crime Victim/Witness Fund;
increases the appropriation for Court Appointed Special Advocate (CASA) grants;
provides funds for the Crime Prevention Association to replace an expiring grant;
includes funds for a new community corrections day reporting program in Chesterfield County, funds the New River Valley Crisis Intervention Team and directs DCJS to study the feasibility of using the CIT model in other jurisdictions, and funds Project Exile programs in Henrico, Portsmouth and Lynchburg. The House budget does not include these items.

Both budgets would provide DCJS funding for a new college campus safety program as mandated by legislation that passed this Session; and both delete funding for anti-gang initiatives that was in the budget as introduced.

Federal Budget

Director Cooke noted that the news out of Washington continues to be bad for many of the programs that provide the funds we use to make grants to localities and state agencies. The President is proposing to "zero-out" the Justice Assistance Grant Program (JAG) in the federal FY'07 budget (as he did last year).

Congress didn't go along with his recommendation last year, so JAG will be providing us with about \$3.9 million in federal FY'06 funds, substantially lower than the \$6.3 million we received the previous year.

The President has also recommended no FFY'07 funding for the Juvenile Accountability Block Grant Program, as he did last year.

The Congress ended up appropriating funds for JABG for federal FY'06, from which Virginia will receive about \$919,000, down from the \$3.3 million we received as recently as FFY'03.

Other reductions and changes may be in store as well, based on the budget proposed by the President. Director Cooke stated that we will be monitoring the appropriation process in the coming months and keep the Board posted.

Employee Recognition

Director Cooke made one final note that the agency would be holding their Annual Employee Recognition Luncheon on May 4. This is the event where we recognize and honor staff members for their achievements throughout the year.

Secretary of Administration, Viola O. Baskerville will join us as our special guest speaker and Secretary John W. Marshall would also be a guest at this event.

Director Cooke invited all Board members to attend the event and said invitations would go out shortly with the details of the time and location. Director Cooke concluded his report by stating that he hopes to see Board members there, should their schedules permit.

Sheriff Arthur thanked Director Cooke for his report and asked the Board if they had any questions or comments. There were none.

Committee Reports

Committee on Training

Chairwoman Arthur called upon Sheriff Phelps to give a brief report on the Committee on Training.

Sheriff Phelps reported that the Committee on Training (COT) met this morning and addressed the following issues:

Ron Bessent, Standards and Training Section, brought to the attention of the committee, that at a previous meeting, an issue came under question concerning the “Law Enforcement Entry-Level Training Standard that was voted on at that meeting. Following his presentation, the board elected to rescind the previous vote on that issue and to revisit it in the future in the proper manner (The National Law Enforcement Training Act).

Chairwoman Arthur called for a motion to accept the recommendation of the Committee on Training to rescind the previous vote on the issue of the “Law Enforcement Entry-Level Training Standards” that was voted on at that meeting.

Sheriff Phelps made a motion to accept the recommendation of the committee as stated above and Mr. Kevin Hodges seconded the motion.

Recusals: None

Chairwoman Arthur stated that it had been motioned and seconded that the Board accept the recommendations as stated above.

Mr. Bessent also provided a presentation on how the COT could be more effective in conducting the business of the Standards and Training Section. It was suggested that members of the COT begin serving on the various committees of the section in order to be more knowledgeable of the issues that confront the section. It was also suggested that the Committee on Training should attend an orientation session so that each member of the Board be advised of the Board's role as it relates to standards and training. Sheriff Phelps stated that a motion was made by the COT, and approved to appoint COT members to serve on the various committees.

Leon Baker, Deputy Division Director, DCJS reported on the issue of sustaining a quorum at the COT meetings. The issue was addressed and suggestions were made.

Steve Clark, Virginia Center for School Safety, DCJS, discussed training regulations concerning school security officers and the developments regarding the new School Safety Audit Legislation implemented in July, 2005.

Heather D'Amore, Law Enforcement Services, DCJS, advised the COT that the Virginia State Police and the U.S. Drug Enforcement Agency were partnering to present training in the area of production and trafficking of Methamphetamine Labs across the Commonwealth.

Gary Dillon, Law Enforcement Services, DCJS, spoke to the committee about Training for Accreditation Managers and Assessors. He presented the program's history, growth, administration, voluntary nature and the minimal cost to the Commonwealth.

Lisa McGee Regulatory Program Manager, the Private Security Services, DCJS, gave the committee an update on the Bail Bondsman, and Bail Enforcement Officers.

Sheriff Phelps stated that there were no public comments, and this concluded his report.

Chairwoman Arthur thanked Sheriff Phelps for his report and asked the Board if they had any comments or questions. There were none.

Legislative Update

Chairwoman Arthur called upon Eileen Guertler to give a brief presentation on Legislation. (Handouts given)

Ms. Guertler gave a brief report on Legislation and stated that staff actively tracked sixty-four bills and that most of the focus was on transportation issues. Twenty-seven bills were passed by the General Assembly and sent to the Governor for action.

Ms. Guertler mentioned that the agency's area of interest concerning legislation were in the following areas:

Campus Security – HB 1046 (Hamilton) requires DCJS to develop training standards for campus security officers and to provide technical support and assistance to campus police departments and campus security departments. This bill has an effective date of July 1, 2007.

Sex Offender Registry – HB 984 (Sherwood) and SB559 (Stolle) state that DCJS in conjunction with the Va. State Police and the State Compensation Board, advise criminal justice agencies regarding the investigation, registration and dissemination of information requirements as they pertain to the Sex Offenders and Crimes Against Minors Registry Act.

Victim Services – HB 1409 (Crockett) changes the name of the Va. Domestic Violence Victim Fund to the Virginia Sexual & Domestic Violence Victim Fund.

Virginia Budget 2006 – 2008

Both legislative chambers produced differing budget reports and did not reconcile those differences prior to the Sine Die March 11th deadline.

Special General Assembly Session

The Governor ordered a special session of the General Assembly to begin on Monday, March 27, regarding continued efforts to produce a long-term statewide transportation solution. This concluded Ms. Guertler's report.

Chairwoman Arthur thanked Ms. Guertler for her report and asked the Board if they had any questions. Mr. Dion and Ms. St. Clair Finch raised a couple of questions pertaining to Campus Security. Questions were satisfactorily answered by Mr. Leon Baker, Director, Division of Law Enforcement and Regulatory Services (DCJS).

Private Security Services Presentation

Chairwoman Arthur called upon Ms. Lisa Hahn to give a brief presentation on the "Private Side of Public Safety" (DVD presentation).

Ms. Hahn gave a brief presentation to the Board and then showed the video "The Private Side of Public Safety". She elaborated on how Private Security Services fit into the overall Commonwealth Preparedness planning as it relates to Public Safety. She stated that Secure Virginia, the Commonwealth Preparedness Working Group along with Governor Mark Warner accrued two initiatives: 1) to include Private Security into the Virginia Critical Information Sharing System as well as the Fusion Center, and 2) that Private Security Services was to provide an orientation training video for Law Enforcement and information for roll call training.

Private Security Services received a grant in the amount of \$40,000 from Homeland Security to develop, design, and produce this video. York Media Co. was hired out of

New Jersey to assist in this project, and did a fine job. Ms. Hahn stated that a copy of the video will be disseminated to Academies and to Law Enforcement partners.

Ms. Hahn gave a special thanks to Colonel Flaherty, Mary Kay Wakefield, DCJS staff and other state agencies and Board members who participated in the making of the video.

Ms. Hahn mentioned that copies of the DVD “The Private Side of Public Safety” were available for members at the conclusion of the meeting, should they desire to have one.

Chairwoman Arthur thanked Ms. Hahn for her presentation and stated that the DVD was put together very nicely. She then asked the Board if they had any comments or questions. There were none.

The Regulatory Process

Chairwoman Arthur called upon Mr. Leon Baker to give a brief report on the “Regulatory Process”.

Mr. Baker stated that Director Cooke and the Senior Management Team at DCJS stressed the importance of providing information to the Board on the “Regulatory Process” as it relates to the Administrative Process Act and the *Code of Virginia*. (Handouts given)

Mr. Baker gave a brief report on the following three stages of the regulatory process:

Stage 1 – Notice of Intended Regulatory Action

Stage 2 – Proposed Regulation

Stage 3 – Final Regulation

Mr. Baker’s presentation and handout also included information on DCJS regulations currently under administrative review. Mr. Baker stated that DCJS would provide regular updates to the Board and Board members were invited to serve on the Regulatory Committees.

Chairwoman Arthur thanked Mr. Baker for his report and asked the Board if they had any questions. There were none.

Virginia Law Enforcement Accreditation Anniversary Recognition

Chairwoman Arthur called upon Gary Dillon to give a brief report on the Virginia Law Enforcement Accreditation 10th Year Anniversary Recognition.

Mr. Dillon stated that Board members received a copy of the proposed proclamation for their review prior to the meeting today and mentioned that DCJS seeks to recognize the highly successful Virginia Law Enforcement Accreditation Program and the local law enforcement agencies who participate in it by, first, passing this official proclamation and then inviting the sheriffs and chiefs of participating accredited agencies to the May

meeting of the CJSB to be recognized and presented with a suitable certificate of this proclamation to acknowledge their achievement. The official name of the Accreditation Program is the Virginia Law Enforcement Professional Standards Commission Program (VLEPSC). Mr. Dillon read the proclamation as follows:

WHEREAS, The Virginia Law Enforcement Professional Standards Commission program was established in the Commonwealth in 1996 under the management of the Virginia Sheriffs' Association and the Virginia Association of Chiefs of Police; and

WHEREAS, The Department of Criminal Justice Services played an integral and key role in establishing the VLEPSC program and has maintained that role and function under the Code of Virginia; and

WHEREAS, Law enforcement accreditation programs have been proven to be of great benefit in providing law enforcement agencies with a template for establishing and maintaining effective and efficient policy and procedures; and,

WHEREAS, Virginia was among the first states in the country to establish a state law enforcement accreditation program that has successfully served the entire law enforcement community of the Commonwealth for ten years; and

WHEREAS, the obtainment and maintenance of accredited status is a reliable measure for Virginia localities of the professional and ethical standards by which their law enforcement authorities conduct their business;

BE IT THEREFORE RESOLVED by the Criminal Justice Services Board of the Commonwealth of Virginia, that an appropriate certificate of recognition of this achievement be presented to the Virginia Sheriffs' Association and the Virginia Association of Chiefs of Police, and to the chief law enforcement administrator of each such agency that has achieved and currently maintains accredited status under the VLEPSC Program in commemoration of this 10th anniversary year.

This concluded Mr. Dillon's presentation.

Chairwoman Arthur thanked Mr. Dillon for his report and asked the Board if they had any questions or comments. There were none.

Chairwoman Arthur then called for a motion. A motion was made by Mr. Jeff Dion and seconded by Mr. Sherman Vaughn.

Chairwoman Arthur stated that it had been motioned and seconded to approve the proclamation for the Virginia Law Enforcement Professional Standards Commission program.

Consideration of Grant Applications

Justice Assistance Grant (JAG) Program

Chairwoman Arthur called upon Dr. Jay Malcan to give a brief report on the Justice Assistance Grants.

Dr. Malcan reported that the Grants Appeals Subcommittee met this morning: Mr. Dowe, Sheriff Francis, Chief Gaskins and himself were present. They reviewed and considered three grants: one for the Department of Correction; a continuation grant for \$1 million dollars for implementation of an automated Offender Management Information System, also called Virginia CORIS. The second grant through the Department of Forensic Science is a continuation grant for \$100,000 for 3000 hours of overtime over a four-month period in 2006 to deal with backlogs in testing drug cases. Lastly, the Supreme Court, a new grant for \$170,000 to facilitate court safety assessments, which will involve Train-the-Trainer classes administered to sheriffs' deputies and state local police officers across the state. These consultants will also coordinate the delivery of assessments and develop course outline. The course administered will include: Advanced Court Security functions; Crime Prevention/Target Hardening; and Judicial Executive Protection. The subcommittee recommends that the Board fund all three grants.

Chairwoman thanked Dr. Malcan for his report and called for questions or comments from the Board. There were none.

Chairwoman Arthur called for a motion to accept the recommendations of the subcommittee.

Ms. Marla Decker made a motion to accept the recommendation of the subcommittee and Mr. Chris Webb seconded the motion.

Recusals:	Helen Fahey	Department of Corrections
	Judge Taylor	Circuit Court, City of Richmond (all grants)
	Jay Malcan	Supreme Court
	Fred Hodnett	Supreme Court
	Sheriff Francis	Supreme Court
	Marla Decker	DFS Grant

Chairwoman Arthur stated that it had been motioned and seconded that the Board accept the recommendations as stated above.

Law Enforcement Terrorism Prevention Program (LETPP)

Chairwoman Arthur called upon Dr. Malcan to give a brief report on the Law Enforcement Terrorism Prevention Program.

Dr. Malcan reported that these grants were included in his report as stated above.

Chairwoman Arthur stated that it had been motioned and seconded that the Board accept all three of the recommendations of the subcommittee as stated above.

Juvenile Justice and Delinquency Prevention (JJDP) Act, Title II Grants

Chairwoman Arthur called on Mr. Wayne Thomas to give a brief report on the Juvenile Justice and Delinquency Prevention Act, Title II Grants: Reconsideration of Augusta County Title II Grant.

Mr. Thomas, Chair of the Advisory Committee on Juvenile Justice (ACJJ) reported that the Board awarded grants based on the committee's recommendations for new projects of up to \$25,000 from Title II funds based on the ACJJ's recommendations in December. One of those grants denied, also based on our recommendations, was a request by Augusta County. The reason stated in the initial denial was that the project appeared to be contrary to the Virginia *Code*. They were not given an opportunity to appeal.

After receiving the denial letter from DCJS, they contacted the agency taking exception to the reason stated in the letter, indicating their belief that what they proposed was not, in fact, contrary to the Virginia *Code*. In an effort to be fair, DCJS elected to allow them to request reconsideration of their grant application. They submitted a letter requesting reconsideration, with their rationale stated in the letter.

The grants subcommittee of the ACJJ met on January 25 to review the request, and again decided to deny the application. The full committee heard the subcommittee's recommendation, and voted to recommend denial.

Mr. Thomas stated that the Board had before them, for consideration, the recommendation to deny that application. This concluded Mr. Thomas' report.

Chairwoman Arthur thanked Mr. Thomas for his report and asked the Board if they had any comments or questions. There were none.

Chairman Arthur made a motion to accept the recommendations of the committee and Sheriff Francis seconded the motion to deny the application of the Augusta County Title II Grant.

Chairwoman Arthur stated that it had been motioned and seconded that the Board accept the recommendations as stated above.

Recusals: None

New Business

Chairwoman Beth Arthur asked if any members of the Board had any new business.

Mr. Walter McFarlane reported that the Department of Criminal Justice Services was faced with the following issue as to: What protocol should be utilized for reviewing and recertifying those communities that previously had been certified by the department and the Board, but are nearing the established three year period when they must be recertified.

Mr. McFarlane stated that these communities went through a very thorough and difficult review process to evidence their qualification as a Certified Crime Prevention Community. Their certification was recommended by DCJS staff and was approved by the Criminal Justice Services Board. Recertification will involve another thorough review by DCJS staff for the sole purpose of determining whether the particular community continues to meet the criteria for which it received its original certification. Mr. McFarlane reported that the following recommendation is being offered.

Recommendation:

The DCJS staff will review the community's programs to determine if the community continues to meet the criteria for which the DCJS Board approved its original certification. If it does, then the DCJS staff will advise the DCJS Director of its findings and the Director shall have the authority to recertify the community.

In the event that the DCJS staff and the Director find that the community fails to meet the criteria, it will advise the community what it must do to correct the deficiencies. If the community disagrees, it may appeal this finding to the subcommittee on Certified Crime Prevention Community Programs, which in turn will make its recommendation to the DCJS Board. The Board will then make the final decision.

Chairwoman Arthur thanked Mr. McFarlane for his report and asked the Board if they had any comments or questions. Mr. Barry Green asked if there was an appropriate form to approve this recommendation. Mr. McFarlane stated that there was none.

Mr. McFarlane made a motion to accept the recommendations as stated above. Mr. McGrady seconded the motion.

Chairwoman Arthur stated that it had been motioned and seconded that the Board accept the recommendations as stated above.

Recusals: None

Chairwoman Arthur inquired of the audience if there were any public comments. There were none.

Next Meeting Date

Chairwoman Arthur noted that the next meeting of the Criminal Justice Services Board is scheduled for May 11th. She also asked that Board members please make every effort to attend the meeting.

Chairwoman Beth Arthur also noted the following meeting dates for 2006. Those dates are as follows:

June 8th
September 14th
December 14th

Chairwoman Arthur asked that Board members note these approved dates on their calendars.

Adjournment

In the Absence of further business, Chairwoman Beth Arthur called for a motion to adjourn. A motion was made by Ms. Decker to adjourn, seconded by Mr. Dowe, and carried unanimously. The meeting was adjourned at approximately 12:00 p.m.

Respectfully submitted,

Priscilla Bowers
CJSB Secretary

Approved:

Sheriff Beth Arthur, Chairwoman